

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)	
REQUEST FOR CONFIDENTIAL TREATMENT)	CASE NO. 96-620
OF INFORMATION FILED IN SUPPORT OF ITS)	
MULTI-FEATURE GET ACQUAINTED OFFER)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed December 20, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the sales, revenue and demand information filed in support of its promotion of Call Waiting Deluxe service on the grounds that disclosure of the information is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth previously filed a planned promotion called the Multi-Feature Get Acquainted Offer to begin January 1, 1997 and run through February 28, 1997. During this promotion, customers may order their choice of up to any two of the following four features and receive their first month's billing free: Caller ID Deluxe, Memory Call® Service, Call Return, and Flexible Call Forwarding. In support of the planned promotion, BellSouth filed sales, revenue, demand and cost studies which it petitioned to protect as confidential.¹

¹

Case No. 96-571 - BellSouth Telecommunications, Inc.'s Request for Confidential Treatment of Information Filed in Support of its Proposed Promotion of BellSouth Telecommunications, Inc., for a Multi-Feature Get Acquainted Offer.

BellSouth has now filed a tariff proposal which will add Call Waiting Deluxe to its custom calling services and desires to include this service in the promotion. In support of the new promotion, BellSouth has filed sales, revenue and demand information which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate need to know and act upon the information. BellSouth seeks to preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

BellSouth's current competitors in the local exchange market include alternate access providers, and will soon include providers of Personal Communications Services, cable TV providers, and interexchange carriers. These competitors could use the sales, revenue and demand information relating to the new service in planning and devising

market strategies for competing services. Therefore, disclosure of the information is likely to cause BellSouth competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the sales, revenue, demand and cost studies filed in support of the planned Multi-Feature Get Acquainted Offer, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 24th day of January, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director